

Assembly Bill 73 (Feuer)

Opening Dependency Court Hearings

Promotes Accountability and Increases Protections for Foster Children and Their Families

WHEN CHILDREN ARE REMOVED FROM THEIR PARENTS DUE TO ABUSE OR NEGLECT, CURRENTLY ALL DECISIONS ABOUT THEIR CARE AND PROTECTION ARE MADE IN SECRET

When children are removed from their families due to abuse or neglect, the state effectively becomes their parent. The dependency court has vast power over these children – determining what services they and their families will receive, who will care for them in both the short-term and the long-term, and whether parental rights will be terminated. Today, nearly 60,000 children in California are under the supervision of the dependency court.

All dependency court hearings in California today are presumptively closed to the public. The media, advocates and even friends and relatives are barred from the courtroom. As a result every significant, life altering decision about a foster child's safety, security and living arrangements is done in secrecy, behind closed doors – without public scrutiny, accountability or transparency.

AB 73 CREATES A PILOT PROJECT TO PRESUMPTIVELY OPENS DEPENDENCY COURT HEARINGS TO PUBLIC SCRUTINY

AB 73 creates a pilot project to presumptively open dependency court proceedings to the public. However, the bill requires that hearings remain closed if it is not in the child's best interest for hearings to be open. This allows for public oversight of the court process, while still ensuring that individual children are protected from further harm. The bill also requires a thorough evaluation

of the pilot. And, given the state's budget crisis, the bill has no state or local costs, by requiring that the pilot and the evaluation be paid for by private funds.

OPENING DEPENDENCY PROCEEDINGS WILL HELP PROTECT CHILDREN FROM FURTHER ABUSE OR NEGLECT

Public proceedings under AB 73 will promote accountability for all officials – judges, lawyers and social workers. Moreover, studies show that when official actions are open to public scrutiny, performance improves. An open system also safeguards the integrity of the judicial process and helps ensure that justice is achieved for abuse or neglected children.

Few powers of the state are more intrusive to liberty interests than removing a child from his or her parents and terminating parental rights. That power should not be exercised in the dark, without oversight, as it is today.

Seventeen states now open their dependency court proceedings to public scrutiny and the results have been overwhelmingly positive. Studies and anecdotal evidence from these states have demonstrated that the public access has increased accountability, without harming foster children.

SUPPORTERS

Children's Advocacy Institute, National Center for Youth Law, Los Angeles County Board of Supervisors, Ventura County Board of Supervisors

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